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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,682	02/19/2004	Christophe Germiquet	Q79986	2004
23373	7590	04/22/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/780,682

Applicant(s)

GERMIQUET ET AL.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on Dec. 30, 2004. These drawings are not approved.
2. The amendment filed Dec 30, 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The subject matter of the drawing showing the hands antiparallel is deemed as new matter, as there is no such disclosure in the original disclosure. The specification merely states that the hands are aligned. Herefore, if applicant wishes to submit a drawing showing them as aligned (in the same direction), then applicant may do so. As seen from the prior art, one of ordinary skill is apprised of the meaning of aligned to be in the same direction and parallel. Nevertheless, as there is no suggestion that is known to align the hands in an antiparallel configuration, such an addition to the disclosure is new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-6 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,596,551 to Born et al. [hereinafter Born] in view of US Patent 6,185,157 to Farine.

Born discloses a watch having a compass function and a dial (10), wherein the backside appears to be a rigid circuit board to which the display elements (14 and 16) comprising motors (110 and 112) having rotors, respectively, the display elements (14 and 16) indication time of day, a rotating bezel (8), azimuth markings located on the rotating bezel (8), two magnetic sensors (34 and 36), wherein, in the compass mode, the direction of north is indicated by means of either hand (14 or 16), respectively. Born discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 1, i.e., both hands being aligned to indicate the direction of north.

With respect to the limitation stated in claim 1: Farine discloses a timepiece including a compass having a “target” location, wherein hands (4 and 5) are aligned to indicate that the timepiece is in the direction/compass mode and indicates the direction of the target location. Furthermore, it is inherent that the “target” location could be in the direction of north, respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the hand arrangement of Born, with the hand arrangement, as taught by Farine, in order to indicate to the user that the watch of Born is in the compass mode and to further indicate a “target” direction which could be in the north direction.

5. Claim 7 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Born in view of US Patent 6,751,164 to Sekiguchi.

Born and Farine a device as stated above with regards to claims 1-6. Born and Farine

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discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 7, i.e., a pressure sensor.

With respect to the limitation stated in claim 7: Sekiguchi discloses timepiece which incorporates a compass mode as well as an atmosphere pressure mode comprising a pressure sensor 79 in order to allow the user to measure the pressure in the atmosphere, respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the pressure sensor, as taught by Sekiguchi, to the watch of Born and Farine, in order to be able to measure the atmospheric pressure as already suggested by Sekiguchi.

#### ***Response to Arguments***

6. Applicant's arguments filed Dec. 30, 2004 have been fully considered but they are not persuasive. Contrary to applicant's belief, the combination of Born and Farine's hands are shown to be in a superposed position, it can also be determined that they are in fact considered aligned as well (to make parallel, see American Heritage College Dictionary, 4<sup>th</sup> Edition). Furthermore, in response to applicant's argument that there is no suggestion or motive to combine Sekiguchi's with that of Born and Farine, it has been held that the test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. See *In re Bozek*, 163 USPQ 545 (CPA 1971).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG  
April 15, 2005

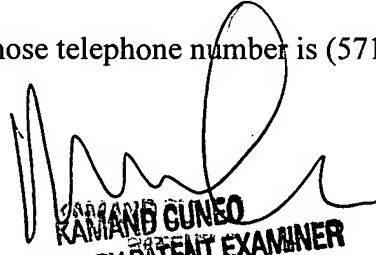
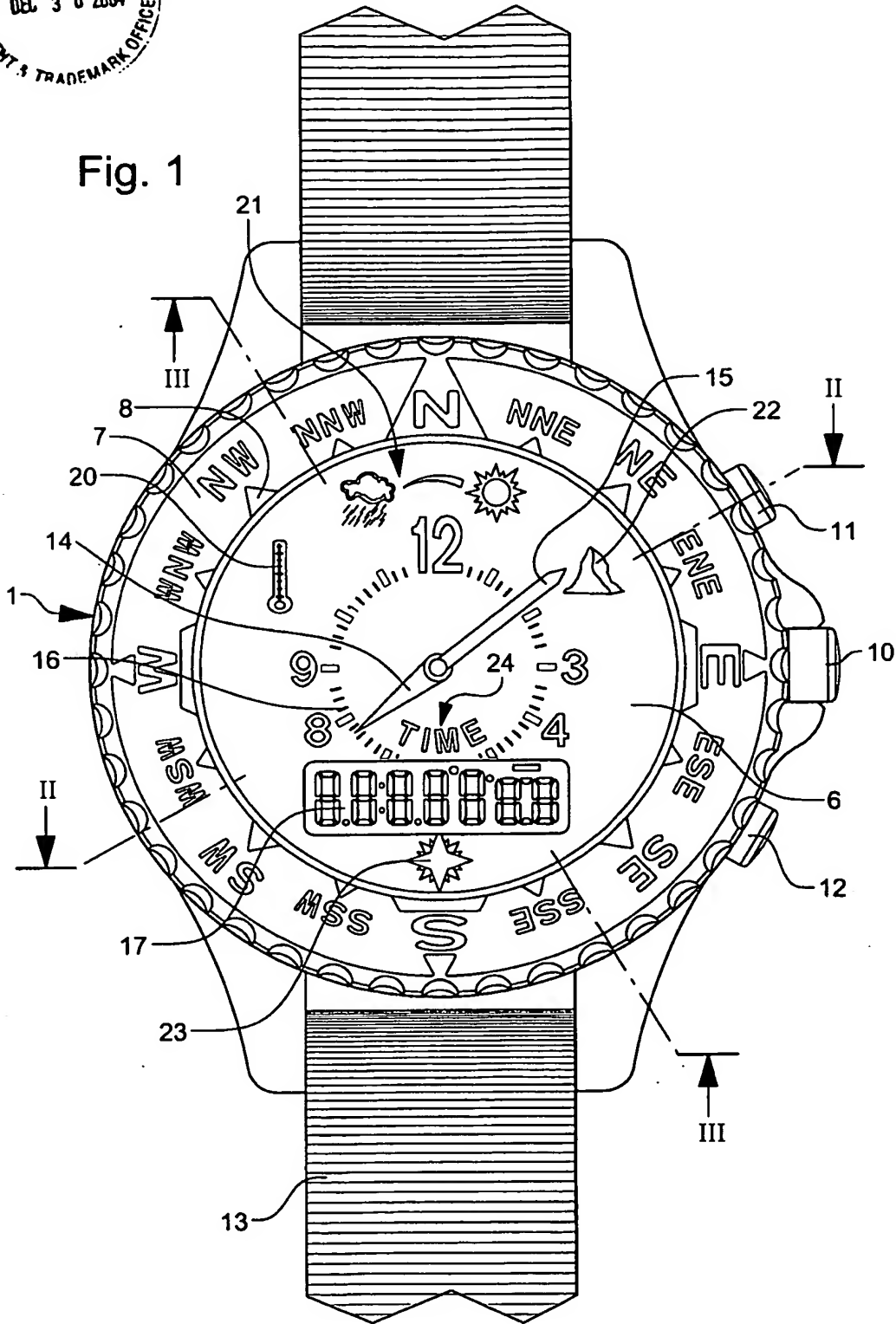
  
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Fig. 1



Approved  
JG. 4/15/05

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